

REMARKS

The present amendment is in response to the Office Action dated March 17, 2008. Claims 1, 2, 4-15, and 17-23 are now present in this case. Claims 1, 5 and 10 are amended. No claims have been canceled. New claim 23 has been added.

Rejections under § 103(a) – Chan / Foulger

Claims 1, 2, 5-19, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger. The applicants respectfully traverse this rejection and request reconsideration.

Claims 1, 2, 5-19, and 21

The applicants believe that claims 1, 2, 5-19, and 21 are patentable over Chan and Foulger because Chan teaches away from Foulger, making a combination of Chan and Foulger non-obvious. It is improper to combine references where the references teach away from their combination. MPEP § 2145 [X][D][2] citing *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983). Chan states "[C]urrent wireless web surfing suffers from the slow wireless data rates, the possible intermittent nature of wireless connectivity....What is needed is a way to have a handheld mobile web browser appear to be operating at such a high data rate with such a quick response that it does not highlight the Internet traffic congestion." (Chan, column 2; lines 11-20.) To solve this problem, Chan teaches avoiding multiple exchanges of information with remote servers in narrowing a search. Specifically, Chan discloses a "speedy search application" that allows a user of a mobile handheld unit to formulate a search by selecting a series of inputs from a hierarchy of menus. (Chan, column 5; lines 35-55.) Once the search has been sufficiently narrowed, the user may request the handheld unit submit the search to the server. (*Id.*) This narrowing of search terms in the "speedy search" process of Chan is performed entirely by the handheld unit. (*Id.*) At no point in the "speedy search" process of Chan does a remote server become involved with narrowing the search.

Foulger does exactly what Chan seeks to avoid – using a remote server to narrow a search. Foulger teaches a search interface that sends query parameters input by a user to a “smart domain system.” (Foulger, paragraph [0072]). The smart domain system sends smart tips back to the search interface. (*Id.*) The “smart tip can include modified search criteria and a value representing the change in result set count that will occur if a search were done with this modified criteria.” (*Id.*) The “search interface can display the smart tip as an executable suggestion to the user.” (*Id.*)

In summary, Chan assumes a wireless link with limited bandwidth between a search interface and a remote server, but Foulger does not. Foulger describes a wired computer network with multiple exchanges of information across the network. Chan expressly seeks to minimize the time used in a search by minimizing the number of exchanges between the search interface and the remote server. Foulger has no such goals and teaches methods that use the multiple exchanges that Chan expressly seeks to avoid. Thus, Chan teaches away from Foulger, making a combination of Chan and Foulger non-obvious. For at least these reasons, the applicants believe these rejections have been overcome.

Rejections under § 103(a) – Chan / Foulger / Himmelstein

Claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger and U.S. Patent No. 2007/0203896 to Himmelstein. The applicants respectfully traverse this rejection and request reconsideration.

Claim 4

Claim 4 is dependent on claim 1 and incorporates all elements of claim 1. The Office Action finds a combination of Chan and Foulger disclosing the elements of claim 1 and finds Himmelstein disclosing the additional elements of claim 4. As discussed regarding claim 1, a combination of Chan and Foulger is non-obvious since Chan teaches away from the multiple exchanges between search interface and remote server taught by Foulger. The addition of Himmelstein does not cure this deficiency. Himmelstein teaches a method that specifies a user selecting a data table, filling in a cell in the table with a keyword, then submitting the table with keyword for a search

(Himmelstein, paragraph [0034]). However, the combination of Himmelstein with Chan and Foulger does not teach or suggest multiple exchanges between a search interface and a remote server over a wireless connection (claim1) with scripts to facilitate a purchase based on the queries exchanged over the wireless connection (claim 4). Thus the combination of Chan, Foulger and Himmelstein is also non-obvious. For at least this reason, the applicants believe this rejection has been overcome.

Rejections under § 103(a) – Chan / Foulger / Elsey

Claims 20 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 2006/0129536 to Foulger and U.S. Patent No. 2005/0002510 to Elsey. The applicants respectfully traverse this rejection and request reconsideration.

Claims 20 and 22

Claims 20 and 22 are dependent on claim 1 and each incorporate all elements of claim 1. The Office Action finds a combination of Chan and Foulger disclosing the elements of claim 1 and finds Elsey disclosing the additional elements of claim 4. As discussed about regarding claim 1, a combination of Chan and Foulger is non-obvious since Chan teaches away from the multiple exchanges between search interface and remote server taught by Foulger. The addition of Elsey does not cure this deficiency. Elsey teaches a method to provide information pertaining to a user of a communications device to a call center operator, where the information is organized by folders. (Elsey, paragraph [0039]). However, the combination of Elsey with Chan and Foulger does not teach or suggest multiple exchanges between a search interface and a remote server over a wireless connection (claim 1) and the creation of a folder containing items found in searching the database (claims 5, 20, and 22).

Thus the combination of Chan, Foulger and Elsey is also non-obvious. For at least this reason, the applicants believe these rejections have been overcome.

New Claims

Claim 23

New claim 23 is patentable over the cited art because claim 23 is dependent on claim 1 and is patentable for at least the reasons given above regarding

claim 1. Additionally, claim 23 has at least one element not disclosed by the cited art, alone or in combination. Specifically, claim 23 discloses:

“wherein the queries sent to the wireless device are text or voice messages that include a request for a user of the wireless device to enter a keyword selected by the user in response to the query.”

The Office Action does not point to any part of Chan as teaching the sending of queries. (Office Action, page 3.) The Office Action finds that Foulger discloses queries, citing a section that states “wherein the remote server comprises a script processor (refer to 0005) configured to provide further search parameters (refer to 0014) based on responses to one or more queries displayed on the wireless device, the one or more queries displayed upon the activation of a script (refer to 0012).” (Office Action, page 4.) The Office Action does not explicitly state, but presumably finds that the “executable suggestions” found in Foulger paragraph [0014] are included in the concept of “queries” as recited in the claims. The “executable suggestion” of Foulger can include “modified search criteria and a value representing the change in result set count that will occur if a search were done with this modified criteria.” (Foulger, paragraph [0072]). However, “executable suggestions” of Foulger are not included in the concept of “queries” if “the queries sent are text or voice messages that include a request for a user of the wireless device to enter a keyword selected by the user in response to the query” as recited in claim 23. Himmelstein and Elsey do not cure this deficiency. For at least these reasons, the applicants believe that claim 23 is patentable over the cited art.

Conclusion

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant has made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8023.

Respectfully submitted,
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